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08/321,589 10/12/94 BERNA

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EXAMINER

HUGHES, S

ART UNIT PAPER NUMBER

16

3206

DATE MAILED: 02/21/95

PHILIPPE JEAN HENRI BERNA  
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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 00 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned, 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-14 are pending in the application.  
Of the above, claims 1-14 are withdrawn from consideration.
2. ☐ Claims 1-14 have been cancelled.
3. ☐ Claims 1-14 are allowed.
4. ☒ Claims 1-14 are rejected.
5. ☐ Claims 1-14 are objected to.
6. ☐ Claims 1-14 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on 9/3/92. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on 9/3/92, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed 9/3/92, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. 07/938,241; filed on 9/3/92.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

**EXAMINER'S ACTION**

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**Part III DETAILED ACTION**

***Specification***

1. The following is a quotation of the first paragraph of 35

U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. Also, the specification, as originally filed, does not provide support for the invention as is now claimed.

X Specifically, reference is made to "a support part 1, such as a rod or a tube, with a circular cross section or not" (emphasis added). Applicant has not sufficiently described a support part which is "not" circular, nor has Applicant described how the movable arms 2 would be able to be "turned into several directions around said support" if the support was "not" circular in section.

not new-  
matter,  
but not  
described  
sufficiently  
in the spec.  
Also, the support part being made of several beams connected end-to-end in a row by couplers..." is considered new matter (claim 11).

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*Claim Rejections - 35 USC § 112*

2. Claims 1-14 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the above objection to the specification.

3. Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

X  
✓  
In claim 1, step "a", the phrase "with a section circular or not" is vague and indefinite. Recitation of "such as a rod or a tube" is indefinite because it is not clear what the metes or bounds of the claimed invention comprises when such a limitation is claimed in combination with a broader limitation (cylindrical support part). Further, in the next to last line of step "c",  
X  
"the thickness" lacks proper antecedent basis and it is not  
✓  
understood how a "thickness" can act as a compression spring or  
✓  
can be elastic. A "thickness" is a dimension which cannot be  
described as having a physical property such as those cited  
above. These problems also apply to claims 2 and 12-14.

X  
✓  
Additionally, in claim 12, lines 5 and 14, "said arm" and "said buffer" lack proper antecedent basis. Also, in step (a), the limitation "such as the one of any..." is vague, unclear and indefinite in scope.

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*Claim Rejections - 35 USC § 103*

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3 and 10-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton.

Neff teaches a device for clamping objects comprising a cylindrical support 10 on which is mounted a first arm 12 and a second arm 14,16. The arms can slide along the support and are able to rotate thereabout. Neff, however, does not teach fitting the arms with elastic buffers at their ends.

Thornton teaches fitting the arms of a clamp structure with rubber clamping pads at their ends.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the clamping arms of Neff with elastic pads, in light of the teachings of Thornton, in order to protect the object being clamped. Note that the contact faces of Neff are at right angles to the support part and that the pads taught by Thornton can be considered rings which cover the end of each arm.

Regarding claim 10, the arms of Neff are manually moved into contact with the object being held and are then released so as to lock each of the arms by tilting them against the support part. Note that the support part of Neff can be considered to be made

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of several beams connected together by couplers as claimed in claim 11.

6. Claims 4-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton as applied to claims 1-3 and 10-12 above, and further in view of the EPO 0080960 patent to Berna.

Neff in view of Thornton teach the invention except for additional sets of movable arms placed on the support part.

Berna, in figure 3 of the EPO patent, teaches providing a support part of a clamping device with multiple sets of movable arms.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the support part of Neff/Thornton with additional movable arms, in light of the teachings of Berna, in order to be able to hold more than one object at a time. Note that one of ordinary skill would be fully capable of adding additional sets (more than two) of movable arms to the support part, depending on the number of objects being held.

7. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton as applied to claims 1-3 and 10-12 above, and further in view of Ditto.

Neff in view of Thornton teach the invention except for an end of the support part being fitted with a removable stop.

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Ditto teaches providing a support part in a clamp with an end cap 32.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the support part of Neff/Thornton with an end cap, in light of the teachings of Ditto, in order to protect the users hand. Note that the end cap of Ditto can function as a stop and is removable from the support part.


*Allowable Subject Matter*

8. Claims 8, 9, 13 and 14 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest a coupler which supports another support part in a device of the type claimed.

*Contact Information*

10. Any inquiry concerning this communication should be directed to Examiner Tom Hughes at telephone number (703) 308-1806.

  
TOM HUGHES  
PATENT EXAMINER  
ART UNIT 3206

sth  
February 19, 1995